



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL PESIN-VIROVETS
Senior Counsel
Email: mpvirove@law.nyc.gov
Cell: (646) 596-0583
Tel: (212) 356-2617

December 30, 2022

VIA ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York et al.,
22-CV-0563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York ("City"), Mayor Bill de Blasio, New York City Police Commissioner Dermot Shea, New York City Police Department ("NYPD") Chief of Department Terence Monahan, Police Officer Daniel Auguste, and Police Officer Corey Johnson (collectively "Defendants") in the above-referenced matter. Defendants write to respectfully request for an enlargement of time from December 27, 2022 until January 20, 2023 for the City to answer plaintiff's document requests and interrogatories. In light of defendants' application, the parties also request an adjournment of the mediation currently scheduled for January 12, 2023 to a date mutually convenient for all parties, but no sooner than January 30, 2022 to allow the parties to draft their mediation statements. Plaintiff and defendant Lance consent to this request. This is the first request to adjourn mediation. The mediation office has not yet provided available dates in accordance with this request.

The reason for this request is as follows. Defendants' responses to plaintiff's document requests and interrogatories were due on December 27, 2022 and the parties mediation statements are due on January 3, 2023. Plaintiff has asked defendants to submit their discovery responses one week before mediation statements are due so that plaintiff can draft their statement. On December 27, 2022, defendants informed plaintiff that they will need additional time to finalize their

responses.¹ Following defendants' request, the undersigned and plaintiff's counsel, Ms. Massimi, met and conferred on December 29, 2022. In light of the fact that defendants will not be able to respond to plaintiff's discovery requests ahead of the deadline to submit mediation statements and attend mediation, defendants respectfully request for an enlargement of time from December 27, 2022 until January 20, 2023 for the City to respond to plaintiff's discovery requests and a corresponding enlargement of time, from January 12, 2023 to a mutually convenient date subject to the mediation office's availability, to attend mediation.

Defendants thank the Court for its time and consideration of this request..

By: /s/ Michael Pesin-Virovets
Michael Pesin-Virovets
Senior Counsel

cc: **By ECF**
Elena Louisa Cohen
Cohen Green PLLC
Attorney for Plaintiff

Remy Green
Cohen & Green
Attorney for Plaintiff

Jessica S. Massimi
99 Wall Street, Ste. 1264
New York, NY 10005
Attorney for Plaintiff

Gideon Orion Oliver
Attorney at Law
277 Broadway
Suite 1501
New York, NY 10007
Attorney for Plaintiff

M.K. Kaishian
Cohen & Green
Attorney for Plaintiff

¹ Plaintiff submitted 25 interrogatories and 80 document requests. Additionally, defendants are in the process of reviewing a CCRB file that is approximately 2,000 pages long and responsive to plaintiff's discovery requests.

Louis C. La Pietra
La Pietra & Krieger, P.C.
30 Glenn Street Suite 105
White Plains, NY 10603
Attorney for Defendant Lance